

## **Part 4**

### **Election Law Controversies**

#### **20A-1-401 Interpretation of election laws -- Computation of time.**

- (1) Courts and election officers shall construe the provisions of this title liberally to carry out the intent of this title.
- (2) Except as provided under Subsection (3), Saturdays, Sundays, and holidays shall be included in all computations of days made under the provisions of this title.
- (3) Unless otherwise specifically provided for under this title:
  - (a) when computing any number of days before or after a specified date or event under this title, the specified date or day of the event is not included in the count; and
  - (b)
    - (i) if the commencement date of a time period preceding a specified date or event falls on a Saturday, Sunday, or legal holiday, the following business day shall be used;
    - (ii) if the last day of a time period following a specified date or event falls on a Saturday, Sunday, or legal holiday, the time period shall be extended to the following business day; and
    - (iii) if a deadline that falls before or after a specified date or event falls on a Saturday, Sunday, or legal holiday, the deadline shall be considered to fall on the following business day.

Amended by Chapter 297, 2011 General Session

#### **20A-1-402 Election officer to render interpretations and make decisions.**

The election officer shall render all interpretations and make all initial decisions about controversies or other matters arising under this chapter.

Enacted by Chapter 1, 1993 General Session

#### **20A-1-403 Errors or omissions in ballots.**

- (1) The election officer shall, without delay, correct any errors in paper ballots or ballot labels that he discovers, or that are brought to his attention, if those errors can be corrected without interfering with the timely distribution of the paper ballots or ballot labels.
- (2)
  - (a)
    - (i) If an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of sample or official ballots, a candidate or his agent may file, without paying any fee, a petition for ballot correction with the district court.
    - (ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.
  - (b) The petition shall contain:
    - (i) an affidavit signed by the candidate or his agent identifying the error or omission; and
    - (ii) a request that the court issue an order to the election officer responsible for the ballot error or omission to correct the ballot error or omission.
- (3)
  - (a) After reviewing the petition, the court shall:

- (i) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, to the petition;
  - (ii) summarily hear and dispose of any issues raised by the petition to obtain substantial compliance with the provisions of this title by the parties to the controversy; and
  - (iii) make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments.
- (b) The court may assess costs, including a reasonable attorney's fee, against either party.

Enacted by Chapter 1, 1993 General Session

**20A-1-404 Election controversies.**

- (1)
- (a)
- (i) Whenever any controversy occurs between any election officer or other person or entity charged with any duty or function under this title and any candidate, or the officers or representatives of any political party, or persons who have made nominations, either party to the controversy may file a verified petition with the district court.
  - (ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.
- (b) The verified petition shall identify concisely the nature of the controversy and the relief sought.
- (2) After reviewing the petition, the court shall:
- (a) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, to the petition;
  - (b) summarily hear and dispose of any issues raised by the petition to obtain:
    - (i) strict compliance with all filing deadlines for financial disclosure reports under:
      - (A) Section 10-3-208, regarding campaign finance statements in municipal elections;
      - (B) Section 17-16-6.5, regarding campaign finance statements for county offices;
      - (C) Title 20A, Chapter 11, Part 2, State Office Candidates - Campaign Organization and Financial Reporting Requirements;
      - (D) Title 20A, Chapter 11, Part 3, Candidates for Legislative Office - Campaign Organization and Financial Reporting Requirements;
      - (E) Title 20A, Chapter 11, Part 4, Officeholder Financial Reporting Requirements;
      - (F) Title 20A, Chapter 11, Part 5, Political Party Registration and Financial Reporting Requirements;
      - (G) Title 20A, Chapter 11, Part 6, Political Action Committee Registration and Financial Reporting Requirements;
      - (H) Title 20A, Chapter 11, Part 7, Campaign Financial Reporting by Corporations;
      - (I) Title 20A, Chapter 11, Part 8, Political Issues Committees - Registration and Financial Reporting;
      - (J) Title 20A, Chapter 11, Part 13, State and Local School Board Candidates; and
      - (K) Title 20A, Chapter 12, Part 3, Campaign and Financial Reporting Requirements for Judicial Retention Elections; and
    - (ii) substantial compliance with all other provisions of this title by the parties to the controversy; and
  - (c) make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments.

Amended by Chapter 13, 2008 General Session

